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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,836

12/11/2003

Herman Rodriguez

AUS920030904US1(4026)

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7590

05/13/2008

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EXAMINER

GARG, YOGESH C

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,836	<b>Applicant(s)</b> RODRIGUEZ ET AL.	
	<b>Examiner</b> Yogesh C. Garg	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-42 and 45 is/are rejected.
- 7) ☒ Claim(s) 43 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/3/2008 has been entered.

### ***Response to Amendment***

2. Applicant's amendment filed 3/3/2008 is entered. Claim 39 is amended and claims 46-58 are canceled. Claims 1-38 were previously canceled. Currently claims 39-45 are pending.

### ***Response to Arguments***

3. Regarding Applicant's arguments, see pages 4-5, filed 3/3/2008, with respect to rejection of claim 43 under 35 USC 112, first paragraph have been fully considered and are persuasive. The rejection of claim 43 under 35 USC 112, first paragraph has been withdrawn.

Applicant's arguments filed 3/3/2008 (see pages 6-7) regarding rejection of claim 39 under 35 USC 103(a) have been fully considered but are moot in view of the new ground(s) of rejection.

With respect to the applicant's request for an interview to expedite the disposition of the application (see page 4) the examiner initiated a telephone interview with attorney

Mr. Jeffrey Schubert on 4/23/2008 to amend claim 39 by adding the subject matter of claim 43 to claim 39 and cancel 43 but the examiner's offer was declined.

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other relevant and related passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the other relevant and related passages and figures in the cited references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohkawa et al. (US 20050240482A1), hereinafter Ohkawa.

Regarding claim 39, Ohkawa teaches a method for aggregating an e-commerce transaction, the method comprising:

receiving, by a transaction aggregator, an electronic receipt in response to the e-commerce transaction by a purchaser, the electronic receipt describing a transaction to purchase a product by the purchaser from a merchant (see at least paragraphs 0013 and 0029-0031) gathering, by the transaction aggregator, product information associated with the transaction comprising retrieving product information from a manufacturer associated with the product, in response to receiving the electronic receipt, and packaging, by the transaction aggregator, the product information with the electronic receipt to create an aggregated package to transmit to the purchaser(see at least paragraphs 0064-0088, and Figs 8-13. A processing device “81” which has the necessary hardware and software [corresponding to the claimed transaction aggregator in the claim] receives and stores an electronic receipt in response to a commercial purchase such as that of a TV, Air-conditioner or refrigerator at a store, gathers product information that is auxiliary information including manufacturer’s product warranty, information on return of products etc. from a third party source 83 which could belong to a retailer or manufacturer, etc, and transmits the collected product information to the purchaser [“82” .).

Regarding claim 45, Ohkawa suggests comprises storing the electronic receipt and the product information in a format that is accessible by a personal finance manager (see at least paragraph 0072, Fig.9, step 904).

***Claim Rejections - 35 USC § 103***

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6.1. Claim 40 is rejected under 35 U.S.C. 103(a) as being obvious over Ohkawa in view of Official Notice

Regarding claim 40, Ohkawa teaches transmitting the aggregated package including product information from electronic device “81” to the user’s electronic device “82” via an electronic communication. Ohkawa does not say explicitly transmitting this product information via e-mail. However, the examiner takes Official Notice of the well-known fact at the time of Ohkawa’s invention as well as at the time of the applicant’s invention to send electronic data/information via emails and therefore it would be obvious to one of an ordinary skilled in the art in view of the Official notice to send product information from device “81” to device “82”, such as a wireless phone via email.

6.2. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkawa further in view of Levchin et al. (US Patent 7,089,208 B1), hereinafter Levchin.

Regarding claim 41, Ohkawa teaches all the limitations of claim 39 of which the claim 41 is a dependency, as analyzed above, but does not disclose certifying the transaction with a certificate of authenticity. However, the practice of certifying a transaction involving transfer of funds conducted on online is well-known as shown in Levchin (see at least col.6, lines 36-45 and col.14, lines 16-20). In view of Levchin, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Ohkawa to certify the purchase transaction because to demonstrate that the transaction is valid and was not spoofed or faked (as suggested in Levchin, col.14, lines 16-20).

6.3. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkawa further in view of Horn et al. (US Publication 2002/0156688 A1), hereinafter Horn.

Regarding claim 42, Ohkawa teaches all the limitations of claim 39 of which the claim 42 is dependency, as analyzed above, but does not disclose determining a language selected for the product information and gathering product information in the selected language. However in global electronic commerce system, Horn teaches determining a language selected for the product information and gathering product information in the selected language (see at least Abstract and claim 1, on page 39). In view of Horn, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Ohkawa to determining a language selected for the product information and gathering product information in the selected language because that would be required so that a buyer of a particular locality and speaking a

particular language can receive product information and is able to complete a transaction in his own language.

### ***Allowable Subject Matter***

7. Claims 43-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and claim 43. The prior art of Ohkawa, Flynn, and Thomson either alone or combined does not teach or render obvious retrieving the product information, as referred to in claim 39, from all the sources comprising the merchant, a bank associated with the purchaser, a manufacturer associated with the product, a manufacturer having accessories associated with the product, and a retailer having accessories associated with the product. Since claim 44 is a dependency of claim 43 the prior art of Flynn/Thomson also does not teach the subject matter recited in claim 44.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex/Hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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